

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

VS

SUMMONS IN A CIVIL ACTION

Case No.

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

An answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

DATE

By

, Deputy Clerk

Summons in a Civil Action

RETURN OF SERVICE				
Service of the Summons and Complaint was made by me			DATE	
NAME OF SERVER			TITLE	
Check one box below to indicate appropriate method of service				
<div style="display: flex; flex-direction: column; gap: 10px;"> <div> <input style="width: 40px; height: 20px;" type="checkbox"/> Served personally upon the defendant. Place where served: _____ </div> <div> <input style="width: 40px; height: 20px;" type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein: <div style="text-align: right; margin-right: 50px;">Name of person with whom the summons and complaint were left: _____</div> </div> <div> <input style="width: 40px; height: 20px;" type="checkbox"/> Return unexecuted: </div> <div> <input style="width: 40px; height: 20px;" type="checkbox"/> Other (specify): </div> </div>				
STATEMENT OF SERVICE FEES				
TRAVEL		SERVICES	TOTAL	
<p style="text-align: center;">DECLARATION OF SERVER</p> <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p> <p>Executed on: _____</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 40%; text-align: center;">Date</div> <div style="width: 40%; text-align: center;">Signature of Server</div> </div> <div style="text-align: center; margin-top: 10px;">_____ Address of Server</div>				
<p style="text-align: center;"><u>NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE</u></p> <p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>				

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure